

Article - Public Safety

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§13A–708.

(a) A person charged with absence without leave or missing movement in time of war, murder, rape or sexual assault, or rape or sexual assault of a child may be punished at any time without limitation.

(b) Except as otherwise provided in this section, a person charged with an offense is not liable to be tried by court–martial or punished under § 13A–301 of this title if the offense was committed more than 5 years before:

(1) the receipt of sworn charges and specifications by an officer exercising court–martial jurisdiction over the command; or

(2) the imposition of punishment under § 13A–301 of this title.

(c) Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this section.

(d) Periods in which the accused was absent from territory in which the State has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(e) (1) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations has expired or will expire within 180 days after the date of dismissal of the charges and specifications, trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (2) of this subsection are met.

(2) The conditions referred to in paragraph (1) of this subsection are that the new charges and specifications must:

(i) be received by an officer exercising summary court–martial jurisdiction over the command within 180 days after the dismissal of the charges or specifications; and

(ii) allege the same acts or omissions that were alleged or included in the dismissed charges or specifications.

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